COMMONWEALTH OF MASSACHUSETTS State Building Code Appeals Board Board's Ruling on Appeal¹

Docket No. 08-600

Appellant(s): Warren Cochrane

vz. App

Appellee(s):

City/Town of Haverhill

Richard Osborne

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant requested that the Board grant him a variance from 780 CMR Reference Standard NFPA 72-2002 of the Massachusetts State Building Code (MSBC) for 137 Monument Street, Haverhill, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on July 3, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing pro se.

Discussion

A motion was made to grant the Appellant's request for a variance from 780 CMR Reference Standard NFPA 72-2002 of the MSBC based upon the fact that the smoke detector alarm system was designed and built to NFPA 72-2007 vs. the 2002 edition. The Haverhill Building and Fire Departments are not opposed to the variance since to change the system to comply with the 2002 edition would be cost prohibitive with "little to gain" as noted in a letter dated June 27, 2008 from the building department. The board vote on this motion was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR Reference Standard NFPA 72-2002 is hereby granted and so ordered² on this date: July 3, 2008.

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²In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108